

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

JINBUM CHOI, an individual, and  
SANGYOON PARK, an individual,

Plaintiffs,

v.

XAVIER TAULEALEA and “JANE DOE”  
TAULEALEA, individually and the marital  
community comprised thereof, and  
WORLDWIDE FLIGHT SERVICES  
(WFS), a corporation,

Defendants.

CAUSE NO. 2:24-cv-00420

DEFENDANT’S NOTICE OF  
REMOVAL TO FEDERAL COURT  
PURSUANT TO 28 U.S.C. §§ 1332(A),  
1441(B)

**[Clerk’s Action Required]**

***King County Superior Court Case No. 24-  
2-03618-1 KNT***

TO: THE CLERK OF THE COURT FOR THE UNITED STATES DISTRICT  
COURT, WESTERN DISTRICT OF WASHINGTON

AND TO: ALL COUNSEL OF RECORD

Pursuant to 28 U.S.C. § 1332(A), 1441(B), and 1446, Defendant Worldwide Flight  
Services, Inc. (Defendant) hereby removes the above captioned action from the Superior Court  
of the State of Washington in and for the County of King, in which this case was filed, to the  
United States District Court for the Western District of Washington, Seattle Division. The Court

DEFENDANT’S NOTICE OF REMOVAL TO FEDERAL COURT  
PURSUANT TO 28 U.S.C. §§ 1332(A), 1441(B)  
CAUSE NO. 2:24-cv-00420 – 1

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**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**  
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has diversity jurisdiction as the parties are not citizens of the same state and the amount-in-controversy exceeds \$75,000. More specifically, the grounds for removal are as follows:

### **I. PROCEDURAL HISTORY**

Plaintiffs commenced this action on or about February 15, 2024 against Defendants by filing the Complaint with the Clerk in the Superior Court for the State of Washington, in the County of King. The State Court Action has been assigned Case No. 24-2-03618-1. A true and correct copy of Plaintiffs' Complaint is attached hereto as "Complaint."

Plaintiffs effected service of process upon Defendant Worldwide Flight Services, Inc. on February 27, 2024, attached hereto. At the time of removal, Defendant has specially appeared in the State Court Action through counsel but has not otherwise taken any action.

### **II. THE PARTIES**

This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332(a)(1), and is one which may be removed to this Court pursuant to 28 U.S.C. §1441(b), because it is an action between citizens of different states.

Plaintiffs are citizens of Seoul, South Korea. *See* Compl. Defendant WFS is a domestic corporation, incorporated in Delaware, with its principal place of business at John F. Kennedy Airport, Jamaica, New York. Defendant is a citizen of both Delaware, the place of incorporation, and New York, the place of its corporate headquarters. Upon information and belief, Defendant Xavier Taulealea is a citizen of King County, Washington State.<sup>1</sup>

### **III. BASIS FOR REMOVAL**

#### **A. Removal to this Court Based on Diversity of Citizenship is Proper.**

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<sup>1</sup> Defendant Taulealea has not yet been served. *See* 28 U.S.C. §1446(b)(2)(A) (defendants who have been properly joined and served must join in or consent to the removal).

1 This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C.  
2 §1332(a)(1), and is one which may be removed to this Court pursuant to 28 U.S.C. §1441(b),  
3 because it is an action between citizens of different states. Plaintiffs are citizens of Seoul, South  
4 Korea. Defendant WFS is a citizen of Delaware. Defendant Xavier Taulealea is a citizen of  
5 King County, Washington State. Accordingly, complete diversity of citizenship exists between  
6 the parties.

7 **B. The Amount in Controversy Requirement is Satisfied.**

8 Although it denies liability and disputes that Plaintiffs are entitled to recover any  
9 damages, Defendant asserts in good faith pursuant to LCR 101(a), Local Rules W.D. Wash.,  
10 that it is more likely than not that the damages Plaintiffs are seeking in its Complaint, despite  
11 being unspecified, greatly exceed the \$75,000.00 jurisdictional threshold.

12 Plaintiffs Complaint does not set forth the dollar amount prayed for. However, Plaintiff  
13 sent a May 5, 2023, pre-suit settlement demand to Defendant claiming economic injury greater  
14 than \$200,000 for both Plaintiffs. Under controlling precedent, Plaintiffs' pre-suit demand is  
15 properly considered in determining the amount in controversy. *See Acad. of Country Music v.*  
16 *Cont'l Cas. Co.*, 991 F.3d 1059, 1069 (9th Cir. 2021) ("A settlement demand is 'relevant  
17 evidence of the amount in controversy if it appears to reflect a reasonable estimate of the  
18 plaintiff's claim.'") (quoting *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002)).

19 Accordingly, the amount in controversy exceeds the \$75,000.00 threshold required to  
20 invoke this Court's jurisdiction pursuant to 28 U.S.C. § 1332(a).

21 **C. Removal is Timely.**

22 This removal is timely pursuant to 28 U.S.C. § 1446(b)(1) because Defendant is filing  
23 this Notice within thirty days of being served on February 27, 2024.  
24

**D. Venue is Proper.**

Defendant is removing the action to the United States District Court for the Western District of Washington, Seattle Division, as “the district and division embracing the place where [it] is pending.” 28 U.S.C. § 1441(a); *see also Polizzi v. Cowles Magazines, Inc.*, 345 U.S. 663, 665-66 (1953) (“The venue of removed actions is governed by ... § 1441(a).”). *See also* Local Rule 3(e)(1). Plaintiffs filed their state court lawsuit in Superior Court for the State of Washington, in the County of King, which is within the judicial district of this court. 28 U.S.C. § 128(b). Therefore, removal to this Court is proper under 28 U.S.C. § 1446(a).

**E. Procedural Pleadings and Process**

A true and correct copy of the operative Complaint on file in the State Court Action is attached hereto as Complaint, pursuant to LCR 101(b)(1). A copy of all other process, pleadings, and orders (to include all documents to be file under LCR 101(c), Local Rules W.D. Wash.) are respectively attached hereto as Exhibits 1-8; and a certificate of service is listing all counsel who have appeared in the State Court Action, and their contact information, including publicly available email address pursuant to 28 U.S.C. § 1446(a) and LCR 101(b). A completed Civil Cover Sheet is submitted.

**F. No Waiver and Reservations**

By seeking removal, Defendant does not waive, and expressly reserves any and all rights, defenses, affirmative defenses, or objections of any nature that it may have to Plaintiffs’ Complaint and the claims included therein.

**G. Notice**

Defendant will promptly file with the King County Superior Court Clerk, and serve on Plaintiffs, the Notice to the Clerk and to Adverse Parties of Removal to Federal Court pursuant

1 to 28 U.S.C. § 1446(d).

2 WHEREFORE, Defendant hereby removes this case from the King County Superior  
3 Court and requests that this Court accept jurisdiction of this action, and that this action be placed  
4 upon the docket of this Court for further proceedings, same as though this case had originally  
5 been instituted in this Court.

6  
7 DATED this 27th day of March, 2024.

8 WILSON, ELSER, MOSKOWITZ,  
9 EDELMAN & DICKER LLP

10 By: /s/Hailey K. Delay

11 Dirk J. Muse, WSBA #28911  
12 Hailey Delay, WSBA #54887  
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18 Dirk.muse@wilsonelser.com  
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20 *Attorneys for Defendant Worldwide*  
21 *Flight Services*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on March 27, 2024, a true and correct copy of the foregoing was served on the attorneys of record listed below, via the method indicated:

<p><b><i>Counsel for Plaintiffs</i></b>                  Frank Shin, WSBA #56647                  Anthony Marsh, #45194                  HERRMANN LAW GROUP                  505 Fifth Ave S, Ste. 330                  Seattle, WA 98104  <a href="mailto:frank@hlglawyer">frank@hlglawyer</a>  <a href="mailto:anthony@hlglawyer">anthony@hlglawyer</a></p>	<p><input type="checkbox"/> U.S. Mail  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Facsimile  <input type="checkbox"/> Overnight  <input checked="" type="checkbox"/> E-mail  <input checked="" type="checkbox"/> E-Service via Court Application  <input type="checkbox"/> Messenger</p>
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I certify under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 27th day of March, 2024, at Seattle, Washington.



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 J. Yhonatan Frakes, Legal Assistant